

CHAPTER: 900
Inmate Programs and Services

DEPARTMENT ORDER:
903 – Inmate Work Activities

OFFICE OF PRIMARY
RESPONSIBILITY:

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IP&R

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual



David Shinn, Director

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STANDARDS

American Correctional Association (ACA) Standards: 5-ACI-3A-08, 5-ACI-3D-04, 5-ACI-3D-05, 5-ACI-7A-01, 5-ACI-7A-02, 5-ACI-7A-03, 5-ACI-7A-04, 5-ACI-7A-05, 5-ACI-7A-06, 5-ACI-7A-09, 5-ACI-7A-13, 5-ACI-7A-14, 5-ACI-7A-15, and 5-ACI-7E-07

PURPOSE

This Department Order establishes procedures **which** ensure the lawful, safe and secure operation of inmate work programs, in accordance with sound correctional practice **and** administration of the Work Incentive Pay Plan (WIPP). **The intent of inmate work programs is to provide vocational training and employment skills building opportunity which are a fundamental element of rehabilitation. This also creates an opportunity for inmates to demonstrate their personal commitment and progress to transform their own lives which will lead to successful reentry to our communities.** Work opportunities are provided in settings as much like the real world as possible to provide inmates with every opportunity to practically apply newly acquired skills **after** their incarceration.

This Department Order prohibits discrimination based on an inmate’s race, religion, national origin, sex, disability or political views in making administrative decisions and in providing access to programs. {5-ACI-3D-04} {5-ACI-7A-01} {5-ACI-7A-03}

PROCEDURES

1.0 INMATE WORK PROGRAMS – Consideration of an inmate’s medical and mental capacity will be given when work is assigned based on the skills and abilities required to successfully and safely perform the work assignment.

1.1 Inmate Work Programs include: **{5-ACI-7A-04}**

1.1.1 **Vocational trade** program subject to WIPP scale, pursuant to Arizona Revised Statute (A.R.S.) §31-254.

1.1.2 Arizona Correctional Industries (ACI).

1.1.3 Inter-Governmental Agreements (IGA).

1.1.4 Education, Treatment, and Career and Technical Education (CTE) programs.

1.1.5 **Advice and assistance of labor, business, and industrial organization to assist in providing skills relevant to the job market. {5-ACI-7A-05}**

1.2 Wardens, Deputy Wardens and Administrators shall ensure that:

1.2.1 Meaningful work opportunities are offered to 100% of all able inmates consistent with available resources.

1.2.2 Individual inmate work assignments are based on 5x5 assessments of risk and needs and comply with the minimum eligibility criteria established in this Department Order.

1.2.3 **For facility construction, improvement and maintenance.**

1.2.4 **For approved public works projects.**

- 1.2.5 The Duty/Special Needs Order, Form 1101-60, is completed in accordance with Department Order #1104, Inmate Medical Records, and is updated on the appropriate Arizona Correctional Information System (ACIS) screen.
- 1.2.6 Inmates shall not be assigned to more than one full-time equivalent paid job.
- 1.2.7 Inmates shall not work (actual work assignment, not to include program hours) more than 40 hours per week, usually six to eight hours per day. The Regional Operations Director must authorize any exceptions. Inmates assigned to Wildland Fire Crews or other **vocational trade agreement** based assignments (e.g., ACI or IGAs) **with specific requirements** are exempt from this **section** and may work in excess of 40 hours per week.
 - 1.2.7.1 Those inmates assigned to academic education program, **CTE programs**, substance abuse treatment, sex offender education and treatment, may also be assigned to a work assignment if the combined hours of the program and work assignment normally does not exceed 40 hours per week.
 - 1.2.7.1.1 On a case by case basis, selected inmates may be assigned to work and programs where the combined hours exceed 40 hours. However, every effort shall be made to ensure all inmates have meaningful work and/or program assignments to the extent resources allow.
 - 1.2.7.1.2 The total of both the work and program assignments shall not **normally** exceed 60 hours per week. The work assignment shall not **normally** exceed 40 hours per week as stipulated in 1.2.7 of this section.
 - 1.2.7.2 **The inmate workday should approximate the workday in the community. {5-ACI-7A-06}**
- 1.2.8 Monthly Evaluation ratings of inmates for the previous month are entered in ACIS for each inmate Work program listed in 1.1 of this section, by the 15th day of each month, except for those assignments that pay on a bi-weekly basis. In those cases, evaluations are required for each pay period.
- 1.2.9 **Where male and female inmates are housed in the same institution, both shall have equal access to all available services and programs. Neither sex is denied opportunities solely on the basis of their smaller number in population. {5-ACI-3D-05}**
- 1.3 Work program supervisors and/or WIPP Coordinator shall maintain accurate, written attendance logs, time sheets, work evaluations, etc.
- 1.4 Inmates are compensated for actual hours worked in accordance with the WIPP formula and the objective WIPP pay scale, excluding those inmates assigned to a **vocational trade agreement**. Inmates shall be compensated an hour's pay for an hour's work and shall not be paid for time not at their work assignments. **{5-ACI-7A-13}**

- 1.5 Inform the appropriate security staff of the absence of any inmate assigned and the reason for such absence. This notification shall be made in advance when possible.
- 1.6 A racial balance and integrated work crews shall be maintained.
- 1.7 Disciplinary Process – An inmate charged with an alleged institutional rule violation, and/or placed in administrative investigative status for more than five workdays may be suspended from the assignment.
 - 1.7.1 Upon completion of the process the Correctional Officer (CO) IV shall review the suspension.
 - 1.7.2 The CO IV shall determine to either reinstate or terminate the inmate from the assigned position.

2.0 INMATE WORK INCENTIVE PAY PLAN (WIPP)

- 2.1 The Assistant Director for Prison Operations shall allocate and audit WIPP funds on a quarterly basis.
- 2.2 Wardens, Deputy Wardens and Administrators shall ensure:
 - 2.2.1 WIPP payrolls do not exceed budgeted levels. Certain assignments (including CTE, Recreation Aide, **Resource Center/Library** Aide, Education Aide, Chaplain Aide) may be eligible to utilize Inmate Activities and Recreation (A & R) fund if the assignment benefits the education and welfare of inmates. In the event of budget shortfalls, a reduction in inmate pay shall be imposed in lieu of a reduction in workforce.
 - 2.2.2 **Inmates convicted of** Driving Under the Influence (DUI) **with work assignments** shall be compensated under the WIPP pay scale. **However, 67% of each DUI inmate's** hourly WIPP wage shall be deposited into the Alcohol Abuse Treatment Fund.
- 2.3 Inmate pay rates are objective and are based on the inmate's Earned Incentive Program phase level, work assignment skill level, and any pay modification criteria that may apply. This does not apply to inmates that do not have a valid social security number (SSN) or tax identification number (TIN) that has been validated by the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) TIN Administrator. **{5-ACI-7A-13}**
 - 2.3.1 An inmate's pay rate shall remain .10 cents per hour until functional literacy is earned (or exempted), regardless of any performance milestones (e.g., completing program, receiving exceeds ratings) reached.
 - 2.3.1.1 Once the inmate meets the functional literacy requirement, the inmate may advance to base pay and is then eligible for performance enhancements.
 - 2.3.1.1.1 Upon obtaining functional literacy, inmate shall be considered for High School Equivalency (HSE) Preparation program assignment if a slot is available. If a slot is not available, staff shall make every attempt to ensure the inmate is assigned to a HSE Preparation program at the earliest opportunity.

- 2.3.1.2 Inmates enrolled in CTE programs, shall earn .15 cents per hour in the CTE program.
- 2.3.2 Completed Program
 - 2.3.2.1 Based upon available funds, inmates may receive a five-cent pay increase to the first program completed only if the inmate has:
 - 2.3.2.1.1 Met the HSE requirement.
 - 2.3.2.1.2 Has not refused or been removed from a program, including self-improvement programs.
 - 2.3.2.2 Programs include HSE Preparation.
- 2.3.3 Program Refusal – Any inmate who refuses to attend a Work or Self Improvement program included in their Corrections Plan after being offered the opportunity to participate shall remain at base pay **and be ineligible for incentive pay for duration of current sentence**. Refusals shall be documented in writing using the Change of Status form. This form shall be filed in the inmate record and entered on the appropriate ACIS screen. **{5-ACI-7A-02}**
- 2.3.4 Removed From Program – An inmate who is enrolled in a Work or Self Improvement program included in their Corrections Plan and subsequently is removed for cause shall remain at base pay **and be ineligible for incentive pay for duration of current sentence**. Removals shall be documented in writing using the Change of Status form. This form shall be filed in the inmate record and entered on the appropriate ACIS screen. (See Department Order #910, Inmate Education.)
- 2.3.5 Work and Programs Evaluation
 - 2.3.5.1 Exceeds ratings (overall) for six consecutive months – An inmate may receive a five cent pay increase, subject to funds availability, if the inmate has:
 - 2.3.5.1.1 Achieved an overall "exceeds" rating, including no "unsatisfactory" ratings, for the past 12 months.
 - 2.3.5.1.2 Has not refused or been removed from a work or self-improvement program.
 - 2.3.5.2 Unsatisfactory rating during past 90 calendar days - If an inmate receives any "unsatisfactory rating" the inmate's pay shall be set at the base rate for 90 calendar days and any pay enhancements shall be voided.
- 2.3.6 Inmates, who have an assignment as of the date the automated pay scale is implemented, shall maintain their pay rate until such time as one of the conditions below is met. At that time the automated pay scale will be effected based on the applicable objective criteria:
 - 2.3.6.1 The inmate is reassigned from the current assignment, or;

2.3.6.2 A new inmate management system is implemented.

2.4 Work supervisors shall certify that the time recorded is actual time worked. Inmates shall not process time sheets. **{5-ACI-7A-13}**

2.5 The following criteria apply only to inmates incarcerated on or after January 1, 1994.

2.5.1 Inmates designated as functionally illiterate as outlined in Department Order #910, Inmate Education, shall be paid the lowest wage (.10 cents) in a pay grade for the work performed, regardless of earned incentive phase level or performance pay enhancement criteria met, until the applicable Department literacy standard is met.
A.R.S. §31-229

2.5.2 Inmates initially designated as functionally illiterate, upon meeting the applicable Department literacy standard, shall be authorized to receive any applicable wage increases or performance pay enhancements.

2.5.3 Functionally illiterate inmates, who are designated as having an exemption condition as outlined in Department Order #910, Inmate Education, shall be exempt from the noted above sections.

3.0 WORK PROGRAM ASSIGNMENT PROCESS

3.1 Upon assignment into a permanent housing location after Reception or from another permanent facility, a staff member shall document the inmate's work skills and employment history on the appropriate ACIS screens and may use the Inmate Employment and Work Skills History, Form 903-8, to assist in gathering that information.

3.1.1 The CO III shall conduct a quality review check by completing the Screening Report for New Arrivals, Form 903-9. This quality review check shall include, but is not limited to:

3.1.1.1 A complete file review to verify all data in ACIS.

3.1.1.2 Escape History.

3.1.1.3 Arrest History.

3.1.1.4 Offense behavior which includes a description of the offenses. This information shall be documented on the appropriate ACIS screen.

3.1.1.5 Verify the inmate's employment eligibility to earn above the \$599 annual income threshold based on the Internal Revenue Service (IRS) guidelines.

3.1.1.5.1 The CO III / CO IV shall screen all inmates for employment eligibility. The screening shall include the presence of valid SSN or TIN.

3.1.1.5.2 Inmates that do not have a valid SSN or TIN may be assigned to a job but will not be compensated more than .20 cents per hour.

- 3.1.1.5.3 An inmate shall be assigned into a Probationary Trainee position and shall remain in this job classification unless they are able to furnish the required IRS credentials. It is the responsibility of the inmate to take the necessary steps to obtain and furnish the required IRS credentials to the WIPP CO III.
 - 3.1.1.5.3.1 Removal from the probationary trainee status shall only occur when the required credentials are provided to the CO III by the inmate and are validated by the ADCRR TIN Administrator.
- 3.1.1.5.4 The WIPP CO III shall provide the names and their corresponding IRS tax credentials (SSN / or TIN) on a weekly basis for all inmates assigned into a WIPP job assignment for validation.
- 3.1.1.5.5 The ADCRR TIN Administrator shall provide the WIPP CO III of the verification status of each inmate and annotate verification in ACIS.
- 3.1.1.5.6 The WIPP CO III shall annotate the verification status on ACIS. Inmates that have been identified as having an invalid or mismatched SSN shall be notified and reassigned to a Probationary Trainee position.
- 3.1.2 The CO IV shall review the Screening Report for New Arrivals, Form 903-9 to determine the appropriate Work Level, and forward the form to the WIPP Office and Institutional Records for filing.
- 3.1.3 Work and program assignments shall not be made without both the Employment and Work Skills History and the Screening Report for New Arrivals, Form 903-9, being completed at the unit where the inmate is currently assigned.
- 3.1.4 The CO IV assigns inmate to: **{5-ACI-7A-02}**
 - 3.1.4.1 **Vocational trade** program subject to WIPP scale, pursuant to A.R.S. §31-254.
 - 3.1.4.2 Arizona Correctional Industries (ACI).
 - 3.1.4.3 Inter-Governmental Agreements (IGA).
 - 3.1.4.4 Intergovernmental Service Agreements (ISA).
- 3.1.5 The CO IV assigns inmates to Education, Treatment, and CTE programs in accordance with the inmate's individual Corrections Plan, the applicable facility priority **program placement and priority** ranking report(s) and actual vacancies in work assignments. **{5-ACI-7A-02}**

- 3.1.5.1 **Inmates identified as potentially qualifying for early release programs dependent upon completion of a major program shall receive first consideration when making placement decisions.**
- 3.1.5.2 Inmates identified **with a** high risk to recidivate and within three years of release shall receive **second** consideration when making placement decisions.
- 3.1.6 The CO IV shall assess the inmate’s work history and skill level and then assign the inmate to work activities as outlined in 3.1.4 of this section in accordance with the inmate’s individual Corrections Plan, the applicable facility priority ranking report(s) and actual vacancies in work assignments. **{5-ACI-7A-02}**
 - 3.1.6.1 The CO IV may assign more inmates than the designed capacity to work assignments only to the extent necessary to cover temporary absences, such as turnouts.
- 3.1.7 The CO IV shall document all of their assignments in ACIS.
- 3.1.8 An inmate shall not be assigned to a work program unless the inmate has a legitimate opportunity to regularly participate in the assignment. If there are no such assignments available for an inmate, the inmate shall not be assigned and shall be documented as “unassigned” on ACIS until such time that a legitimate work program opportunity is available.
- 3.1.9 When specific skill sets are required in filling an assignment, the CO IV shall attempt to place inmate(s) with the given skills into the assignment whenever possible.
- 3.2 Work program vacancies shall be filled using recruitment techniques, including:
 - 3.2.1 Job Announcements.
 - 3.2.2 Job Applications and Resumes.
 - 3.2.3 Interviews/Examinations.
- 3.3 Education, Treatment and CTE program vacancies shall be filled using applicable facility priority **program placement and priority** ranking report(s) and in keeping with individual Corrections Plans.
- 3.4 Work and/or program supervisors shall not assign or reassign inmates.
 - 3.4.1 Only the CO IV or designee is authorized to assign or reassign inmates from Work and/or program assignments.
 - 3.4.2 A supervisor may initiate work program assignment changes by submitting a written recommendation to the CO IV or designee for consideration based upon:

- 3.4.2.1 Inmates' Requests – Inmates are expected to perform satisfactorily at their given assignment. No inmate who is assigned to a work program will be changed because the inmate is dissatisfied with pay, the job itself, the supervisor(s), or other inmates. Thus, the supervisor should rarely initiate a change and generally, only if an inmate has performed satisfactorily for at least six months and where another inmate can be assigned to satisfactorily perform the work function.
- 3.4.2.2 Poor Performance – The work supervisor shall make efforts to instill inmates with appropriate work habits and attitudes. The supervisor shall make efforts to improve inmate deficiencies over at least three or more consecutive pay periods with unsatisfactory ratings before initiating an assignment request change. If the inmates work habits and/or attitude is exceedingly poor and appears to be significantly affecting other workers or work production and if the work supervisor documents these conditions sufficiently, the CO IV or designee may consider an assignment change sooner than three pay periods.
 - 3.4.2.2.1 Unless otherwise specified for those inmates in assignments governed by a **vocational trade agreement**.
- 3.4.2.3 Disruptive Behavior – An inmate is expected to interact in a civil manner with the supervisor and other inmates. If an inmate's behavior is so disruptive as to compromise the supervisor's ability to manage the work program environment effectively, the supervisor may initiate an assignment change. Changes under these circumstances shall require a disciplinary report that documents the disruptive actions as well as an "unsatisfactory" evaluation rating.
- 3.4.2.4 Security Threat – If an inmate is determined to be a threat to the security or order of the institution if left in the current assignment, the supervisor shall notify the Chief of Security and provide the rationale in an Information Report. The Chief of Security shall ensure the case is investigated and, if it is determined a legitimate security threat exists, the CO IV shall be notified to change the inmate's assignment.
- 3.4.2.5 Institutional Needs – The CO IV may reassign an inmate unilaterally based on specific needs of the institution or other reasons indicating the reassignment is in the best interest of the Department.
- 3.4.2.6 Program Refusal or Removal – An inmate is assigned to a program and refuses to participate, or is removed for poor performance or behavior.
- 3.4.2.7 Program Completion – An inmate completes the requirements of program.

3.5 Hiring Process for ACI {5-ACI-7A-09}

- 3.5.1 The ACI Manager shall determine openings in the various job classifications and communicating vacancies to the CO IV.

- 3.5.2 The ACI Manager will notify the unit CO IV prior to the projected vacancy whenever possible and provide the following information:
 - 3.5.2.1 Specific position(s)
 - 3.5.2.2 Rate of pay
 - 3.5.2.3 Shift
 - 3.5.2.4 Minimum qualifications
 - 3.5.2.5 Specific job duties
- 3.5.3 The unit CO IV will post these job openings on the bulletin boards to the general population for a period of five workdays.
- 3.5.4 Interested inmates shall submit an Inmate Letter and/or resume to the CO IV prior to the closing date.
 - 3.5.4.1 The ACI Manager or ACI **Vocational Trade** Contractor may also choose to interview the inmate prior to the assignment decision. If the ACI Manager or ACI **Vocational Trade** Contractor considers the inmate unsuitable for placement, the reason(s) for not assigning the inmate shall be forwarded to the CO IV for consideration.
- 3.5.5 The CO IV shall review the applications, screen, and place them with regard to the following minimum qualifications criteria:
 - 3.5.5.1 Education level – HSE or high school diploma or currently enrolled in a HSE Preparation program. If an inmate needs to obtain a HSE and a slot is not available, the inmate may be assigned to ACI on a provisional basis and staff shall make every attempt to ensure the inmate has the opportunity to earn his/her HSE.
 - 3.5.5.2 Work Evaluation Ratings – At least satisfactory overall during the last 12 months.
 - 3.5.5.3 Disciplinary Record
 - 3.5.5.3.1 Minimum and Medium Custody inmates shall have no minor disciplinary offenses/convictions in the last three months, and no major conviction in the last six months.
 - 3.5.5.3.2 Close Custody inmates shall have no major convictions in the last six months.
 - 3.5.5.4 Current Program/Education/Institutional status shall not conflict with work schedules.
 - 3.5.5.5 No refusal or removal from a mandatory work or self-improvement program or assigned activity included in the inmate’s individualized Corrections Plan during current incarceration.

3.5.5.6 Additional **considerations** for “ACI private partner” assignment only:

3.5.5.6.1 **Priority given to those** within ten years of earliest, valid release date.

3.5.5.6.2 Criminal Aliens – ineligible for assignment.

3.6 The work supervisor shall complete work evaluations each month for every inmate and pay increases awarded as outlined in this Department Order.

4.0 MINIMUM CRITERIA FOR ASSIGNMENT – INTERNAL RISK/CUSTODY LEVEL

4.1 Inmates are eligible for placement in a work assignment based on their Internal Risk (IR) Level and Custody Levels as determined by the classification criteria. Work assignments shall be determined as follow:

4.1.1 Maximum Custody (IR5) – Placement by special assessment only, regardless of the inmate’s internal risk level. Assignments to the kitchen are permissible, except inmates shall not work in the kitchen after evening formal count.

4.1.2 Close Custody

4.1.2.1 IR4 – Limited potential assignments

4.1.2.2 IR3 – Eligible for an IR4 assignment

4.1.2.3 IR2 and IR1 – Eligible for any IR4 and IR3 assignments

4.1.3 Medium Custody

4.1.3.1 Same as Close Custody as outlined in 4.1.2.1 through 4.1.2.3 of this section.

4.1.3.2 Inmates who are IR3 and below may work in an assignment outside the facility perimeter, if it is within the complex secure perimeter or those complexes that have an uninterrupted perimeter.

4.1.4 Minimum Custody

4.1.4.1 IR4 – Any assignment within the facility perimeter and shall not be assigned a job outside the facility’s perimeter (e.g., cannot work on a complex perimeter assignment).

4.1.4.2 **IR3 – Inmates may be assigned to any assignment outside institutional grounds that is supervised by Department employees, private prison employees or contractor supervisor staff. These assignments may include Arizona Department of Transportation (ADOT), Intergovernmental Agreement (IGA), or other authorized work crews where the Department’s response time is within 60 miles with the following restrictions:**

4.1.4.2.1 **No Criminal Aliens**

- 4.1.4.2.2 **No current or prior conviction for murder or attempted murder**
- 4.1.4.2.3 **No current or prior conviction for kidnapping or attempted kidnapping**
- 4.1.4.2.4 **No Validated or Step Down Security Threat Group Members**
- 4.1.4.2.5 **Arrest, but no conviction, for a felony sex offense**
- 4.1.4.2.6 **Interstate Corrections Compact**
- 4.1.4.2.7 **Not eligible for Wildland Fire Crews**
- 4.1.4.2.8 **Not eligible for Forestry Crews**
- 4.1.4.2.9 **No current or prior conviction for a violent offense listed in Attachment C, Outside Work Crew Ineligible Offenses**
- 4.1.4.3 IR3 – **Inmates not meeting the above criteria shall be assigned** inside facility perimeter and outside the facility perimeter but on complex grounds only. **To include, the** non-discretionary criteria for Minimum Custody IR3 inmates.
 - 4.1.4.3.1 Current or prior conviction for murder or attempted murder
 - 4.1.4.3.2 Current or prior conviction for kidnapping or attempted kidnapping
 - 4.1.4.3.3 Arrest, but no conviction, for a felony sex offenses
 - 4.1.4.3.4 Interstate Corrections Compact (if inmate is Minimum Custody)
- 4.1.4.4 IR2 – Any IR4 and IR3 assignments and any assignment within the facility perimeter, unless ineligible due to other criteria. The inmate may be assigned to any assignment outside institutional grounds that is supervised by Department employees, private prison employees or contractor supervisor staff. These assignments may include Arizona Department of Transportation (ADOT), Intergovernmental Agreement (IGA), or other authorized work crews where the Department's response time is within 60 miles (this distance does not apply to Wildland Fire Crews).
 - 4.1.4.4.1 **No Validated or Step Down Security Threat Group Members**
- 4.1.4.5 IR1 – Includes:
 - 4.1.4.5.1 Any assignment within the facility perimeter per IR4 or IR3.
 - 4.1.4.5.2 Any assignment authorized for IR2.

4.1.4.5.3 Any assignment outside institutional grounds supervised by Department employees, private prison employees or other authorized supervisors with no restriction as to the Department's response time.

4.2 Additional minimum criteria for specific assignments:

4.2.1 Health Unit Porter – No substance abuse current convictions or related substance abuse disciplinary violations in the past two years of the current incarceration.

4.2.2 Work assignments (even temporary detail) outside housing unit, after evening formal count and before morning formal count, may only include inmates classified as follows:

4.2.2.1 Non-kitchen assignments (any assignment other than the Kitchen)

4.2.2.1.1 Minimum Custody - any internal risk level

4.2.2.1.2 Medium or Close Custody - only internal risk levels 1 or 2

4.2.2.1.3 Maximum Custody - none (may not use maximum custody inmates outside the housing unit after evening formal count)

4.2.2.2 Kitchen assignments – Same as outlined in 4.2.2.1 through 4.2.2.1.3 of this section, except that staff may use internal risk level 1, 2, 3 or 4 inmates for medium or close custody. However, inmates must receive direct supervision to and from the kitchen during the evening and morning formal count time period.

4.2.3 Criminal Aliens, who are Minimum Custody and have an Immigration and Customs Enforcement Agency (ICE) detainer, may work outside the complex perimeter on facility grounds under direct supervision only. Such inmates who do not have an ICE detainer (or pending ICE action) may work on facility grounds only and may have indirect supervision.

4.2.3.1 Criminal Aliens are not eligible for ACI private partner (sector) assignments, but may be assigned to ACI's "owned and operated" assignments.

4.2.4 Inmates in the following assignments must have earned a HSE, or completed high school and received a high school diploma or currently enrolled in a HSE Preparation program. If an inmate needs to obtain a HSE and a slot is not available, the inmate may be assigned to the work assignment on a provisional basis and staff shall make every attempt to ensure the inmate has the opportunity to earn his/her HSE. They may not have refused or been removed from a Department work or self-improvement program offered during the current incarceration. If the inmate subsequently completes the previously removed or refused program, the inmate may be reconsidered for assignment. **{5-ACI-7E-07}**

4.2.4.1 Tutor – Education

4.2.4.2 Clerk – Education

- 4.2.4.3 Aide – Education
- 4.2.4.4 Aide – Resource Center/Library **{5-ACI-7E-07}**
- 4.2.4.5 Aide – Chaplain
- 4.2.4.6 Aide – Program
- 4.2.4.7 Recreation Clerk
- 4.2.4.8 Automotive Clerk
- 4.2.4.9 Chaplain Clerk
- 4.2.4.10 (Vocational/Education) CTE Clerk
- 4.2.4.11 Clerk – Kitchen
- 4.2.4.12 **Resource Center/Library Clerk {5-ACI-7E-07}**
- 4.2.4.13 Academic/School Clerk
- 4.2.4.14 Health Unit Porter
- 4.2.4.15 Community Betterment
- 4.2.4.16 IGA
- 4.2.4.17 ACI
- 4.2.4.18 **Recovery Support Specialist**

4.3 Vehicle usage by inmates – Prior to an inmate being permitted to operate any motorized type vehicle (including complex transportation, heavy equipment, and farm equipment), the inmate shall be trained and certified on each type of farm equipment that the inmate is expected to operate in accordance with Department Order #405, Vehicles/Vehicle Maintenance.

4.3.1 On-Site Inmate Drivers

- 4.3.1.1 For complexes that have shuttle/bus transportation available for staff and visitors, a Work Supervisor may request an inmate be examined by unit Classification staff to determine eligibility for On-Site Driver status.
- 4.3.1.2 The Unit CO IV shall ensure the inmate meets the following criteria:
 - 4.3.1.2.1 C & I score of 2/3 or below.
 - 4.3.1.2.2 Major disciplinary free for a period of six months.
 - 4.3.1.2.3 Has not been convicted of accident-related charges, or a crime involving the use of or theft of a vehicle.
 - 4.3.1.2.4 No moving violations within the three years prior to incarceration and no current conviction involving a moving violation.

- 4.3.1.2.5 Medically cleared.
- 4.3.1.2.6 Suitable for the position based on information from Classification, administrative and security staff, as necessary.
- 4.3.1.3 An On-Site Inmate Driver Checklist, Form 903-7, shall be completed by the designated staff member and forwarded through the CO IV to the Deputy Warden for signature/approval.
- 4.3.1.4 The Warden or designee may approve exceptions to all of the criteria listed in 4.3.1.2.1 through 4.3.1.2.6 of this section, except for medical clearance.
- 4.3.1.5 The designated staff shall notify the requesting Work Supervisor of approved and denied requests.
- 4.3.1.6 When approved for On-Site Driver status, supervising staff shall ensure training and documentation are completed in accordance with the Inmate Drivers Training Curriculum, Form 903-12.
 - 4.3.1.6.1 Approved inmates shall successfully pass a driving test administered by qualified staff **for all vehicles and equipment (e.g., light duty vehicles, and medium/heavy, specialty and farm equipment) to be driven. Forklifts tests shall be administered by a certified instructor. Driving test and training shall include:**
 - 4.3.1.6.1.1 **Vehicle inspections**
 - 4.3.1.6.1.2 **Operator maintenance**
 - 4.3.1.6.1.3 **Proper driving techniques for vehicle and equipment operations and include a driving test**
 - 4.3.1.6.1.4 **Vehicle breakdown**
 - 4.3.1.6.1.5 **Procedures in case of accident**
- 4.3.1.7 Vehicle Usage By Inmates - On-Site Drivers shall not drive on a public highway. The parameters and location of crossings shall be approved by the Warden.
 - 4.3.1.7.1 Inmates shall not operate a vehicle equipped with a mobile radio, except fire truck engineers, or while fueling or performing general maintenance.
 - 4.3.1.7.2 State vehicles shall not be driven at speeds to exceed the posted speed limit.

- 4.3.1.7.3 Damage that results from a deliberate action of an operator of a state vehicle shall result in disciplinary action and/or the operator being required to make restitution. Inmates may also be removed from driving and may be urinalysis tested.
- 4.3.1.7.4 All On-Site Drivers shall sign for the keys of any vehicle upon receipt and return, in accordance with Department Order #702, Key Control.
- 4.3.1.7.5 On-Site Drivers shall not transport unescorted inmates without prior written authorization from their supervisor.
- 4.3.1.7.6 If transporting other inmates, all passengers shall be properly seated. The number of occupants shall not exceed designated vehicle capacity.
- 4.3.1.8 Removal – On-Site Drivers may be removed for the following:
 - 4.3.1.8.1 Any documented reports of violation, reckless or careless driving. Documentation relative to the inmate’s removal from On-Site Driver status or documentation of any inappropriate contact between the On-Site Driver and a visitor or a staff member shall be completed and forwarded to the Warden or Deputy Warden for action.
 - 4.3.1.8.2 Violation of state laws or Department written instructions.
 - 4.3.1.8.3 A positive test result on a urinalysis.
- 4.4 No Department employee shall assign an inmate to duties that include:
 - 4.4.1 Providing direct health care services.
 - 4.4.2 Scheduling health care appointments.
 - 4.4.3 Handling or having access to surgical instruments, syringes, needles, bandages or other health care supplies.
 - 4.4.4 Operating or handling health services equipment. Except for inmates assigned as Wheelchair Assistant or Wheelchair/Other Aide as the duties may include operating the wheelchair.
 - 4.4.5 Having access to the medical records or other inmates.
 - 4.4.6 Handling or having access to security equipment.
 - 4.4.7 **Having direct control or authority over other inmates. {5-ACI-3A-08}**

4.5 Community Betterment Program – Community betterment encompasses inmate work assignments in which inmates earn wages for work that is performed for public sector and/or private not-for-profit businesses. These projects are typically full time work assignments for the duration of the project and should not be confused with Community Service activities in which inmates may participate but receive no compensation after the regular workday has concluded during their recreation time. **{5-ACI-7A-15}**

4.5.1 Projects shall be:

4.5.1.1 Short term, not lasting more than six months. The Director or designee shall approve all exceptions to the six-month time frame.

4.5.1.2 **Vocational trade** services provided intermittently during the year, for example: cleanup activities each spring, fall, winter and summer.

4.5.2 Inmates shall be compensated in accordance with the WIPP Pay Scale (Attachment A), unless otherwise specified and authorized by the Assistant Director for Prison Operations or designee.

5.0 ARIZONA CORRECTIONAL INDUSTRIES (ACI) ASSIGNMENTS AND PAY – Inmates are assigned to ACI positions in accordance with section 4.0 except as otherwise specified in this section. Inmates assigned to ACI Owned and Operated Industries occupy positions that are classified and paid in accordance with this Department Order. Wage rates, to be paid to inmates assigned to private/public sector **vocational trade**, shall be developed through negotiation with ACI private/public Contractors; within the guidelines established in state and federal statutes, with input from the Arizona Department of Economic Security as appropriate. All ACI inmate jobs are a privilege and inmate participation is voluntary. **{5-ACI-7A-04}**

5.1 Inmate participation as workers in a Prison Industry Enhancement (PIE) program is a privilege and is strictly voluntary. To participate in private sector work programs an inmate shall:

5.1.1 Agree to restrict the number of exemptions claimed for withholding to their verifiable number of dependents and agree not to request additional amounts be withheld from each paycheck. Other deductions shall be withheld from earnings by Inmate Banking pursuant to A.R.S. §41-1674. Inmates assigned to Private Sector **vocational trade** programs that are not Prison Industry Enhancement Correctional Program (PIECP) certified shall be subject to mandatory deductions pursuant to A.R.S. §31-254. Any remaining amount shall be credited to the prisoner's retention account.

5.1.2 **It is the inmate's responsibility to prepare and file yearly Federal and State tax returns in accordance with applicable income tax laws.**

5.1.3 **Department staff shall not provide assistance in the preparation or filing of Federal or State tax returns.**

5.1.4 Be assigned and eligible for these work programs as outlined in section 4.0.

5.1.5 Complete and sign the ACI-Rules and Conditions of Employment, Form 903-2.

5.1.6 For ACI owned and operated position, complete and sign the Inmate Worker Agreement and the Standards of Conduct Agreement. These documents shall be retained and **kept at the respective ACI shop.**

5.1.7 Have earned a HSE or completed high school or currently enrolled in a HSE Preparation program. If an inmate needs to obtain a HSE and a slot is not available, the inmate may be assigned to ACI on a provisional basis and staff shall make every attempt to ensure the inmate has the opportunity to earn his/her HSE.

5.1.7.1 For those inmates provisionally hired without a HSE, a periodic review is to be conducted to ensure these inmates are making progress towards earning a HSE.

5.2 Position Classifications/Compensation for ACI Owned and Operated Industries – Appropriate ACI Regional Operations Managers or **Deputy Assistant Director** shall:

5.2.1 Increase or decrease the number of assigned positions only with the prior approval of the **WIPP CO IV, or Deputy Warden**.

5.2.2 Assign inmates to ACI position classifications and pay grades.

5.2.3 Compensate ACI inmates at their regular hourly rate for actual time spent in performance of duties in accordance with the ACI Inmate Pay Scale.

5.2.4 Ensure that supervisors give advance approval for inmate workers to work in excess of a six-hour day or 40-hour week, when appropriate, as outlined in section 1.0, 1.2.7.

5.3 Compensation for Inmates Assigned to Private/Public Sector **Vocational Trade** Programs {5-ACI-7A-14} {5-ACI-7A-15}

5.3.1 Inmates assigned to Private/Public Sector **vocational trade** programs shall be compensated at the wage rate(s) specified in the appropriate Inmate Work/PIECP Contract/Agreement.

5.3.2 In circumstances when inmates assigned to Private/Public Sector **vocational trade** programs are pre-approved to work more than 40 hours per week for a limited period of time, they shall be paid at 1 ½ times the normal wage rate for each hour worked in excess of 40 hours per work week. For selected **vocational trade** programs which preclude inmates from working more than 40 hours per work-week, inmates should not work more than 40 hours per week.

5.4 Evaluations/Pay Increases – The appropriate ACI Regional Operations Managers or **Deputy Assistant Director** shall award pay increases in accordance with the inmate’s Earned Incentive Program Phase level as outlined in Department Order #809, Earned Incentive Program, and applicable performance pay enhancements. (See Attachment B, ACI Pay Scale.)

5.5 Special Recognition Awards - Private sector **vocational training** and ACI owned and operated **shops** may have yearly special recognition/luncheon meetings with prior approval by the facility Warden and ACI management.

6.0 WORK AND PROGRAM ASSIGNMENT EVALUATIONS

6.1 Each inmate assigned to a formal work or program assignment shall receive an evaluation from the supervisor at least monthly. An evaluation is required for a month in which the inmate was assigned.

- 6.1.1 To a work or vocational training (CTE) assignment for any portion of that month, even if it was only one day.
- 6.1.2 To an academic education, substance abuse treatment or sex offender treatment program for at least six days during the month.
- 6.2 The work supervisor shall complete the ACIS generated WIPP time sheet bi-weekly and forward it to the CO IV, to include inmates assigned as clerks or aides to program areas, and CTE students. Staff members, as determined by the program managers, shall update the inmates' evaluation in ACIS for inmates assigned to academic education, substance abuse treatment, or sex offender treatment programs.
- 6.3 Evaluations shall be entered into ACIS by the CO IV or assigned staff no later than the fifteenth of the month.
- 6.4 Guidelines for Evaluations
 - 6.4.1 Evaluations shall include rating, ACIS code, and hours worked.
 - 6.4.2 The supervisor and inmate shall sign the evaluation.
 - 6.4.3 An inmate requesting a review of the evaluation shall do so using an Inmate Letter, Form 916-1, to the CO IV or assigned staff.
- 6.5 Evaluation Ratings - The following designators shall be used to identify an inmate's performance.
 - 6.5.1 Unsatisfactory (U) – An inmate's performance, attendance and attitude were below average based on expectations for the Work or Self Improvement program assignment. If more than one of the components (performance, attendance, or attitude) is considered deficient then the rating should be assessed as Unsatisfactory. If the supervisor considers only one of the components deficient, but that one deficiency overwhelms the other components, the rating may be assessed as Unsatisfactory.
 - 6.5.2 Satisfactory (S) – An inmate's performance, attendance and attitude meets average expectations for the Work or Self Improvement program assignment. If one of the components (performance, attendance, or attitude) is deficient while the others are considered average or beyond average, then the rating may be assessed as Satisfactory. If an inmate's attendance is deficient based on verified medical or mental health issues and there are no other deficiencies in performance or attitude, the inmate shall be rated no less than satisfactory.
 - 6.5.3 Exceeds (E) – An inmate's performance, attendance and attitude are all beyond average expectations for the Work or Self Improvement program assignment.
 - 6.5.4 None (N) – An inmate was assigned to, but was not in attendance in the work or program assignment for any portion of the assigned period (e.g., medical lay-in, temporary absent, etc.).

7.0 SAFETY REQUIREMENTS

- 7.1 An inmate shall be hired, trained, and supervised in accordance with this Department Order, and Department Order #404, Fire, Safety and Loss Prevention.
- 7.2 To ensure work environment safety, the Fire and Safety Specialist shall:
 - 7.2.1 Review all projects that will involve hazardous environments. Ensure that all inmates are in compliance with safety training requirements pertinent to the given work environment.
 - 7.2.2 Randomly observe/monitor actual work performed in hazardous environments at least once daily to ensure proper execution of safety procedures.
 - 7.2.3 Recommend corrective action for areas determined to be in noncompliance with safety procedures.
 - 7.2.4 For all safety violations and serious incidents, ensure, at a minimum, the following information is documented on an Information Report, Form 105-2, and submitted to the Fire and Safety Manager:
 - 7.2.4.1 Project name and start date
 - 7.2.4.2 Project supervisor
 - 7.2.4.3 Safety procedure and section violated
 - 7.2.4.4 Date of violation
 - 7.2.4.5 Recommended corrective action and/or steps taken to correct violation
 - 7.2.4.6 Project ending date
 - 7.2.5 Review each violation and determine whether the violation could have been prevented if proper safety procedures had been followed.
 - 7.2.6 Notify the Project Supervisor's supervisor and the Physical Plant Manager/Administrator of continued violations of the Safety Procedures by the Project Supervisor. If the violation continues after the Chief Maintenance Officer has been notified, the Warden, or the Administrator shall be notified.

8.0 CONTRACTUAL REQUIREMENTS FOR UTILIZING INMATE WORKERS

- 8.1 Discussions regarding a contract to provide inmate **vocational trades** for a city or other political subdivision shall involve representative(s) from that agency, the Assistant Director for Prison Operations, the Warden, or ACI representatives if the work program involves ACI.
- 8.2 When satisfied that the provisions of this Department Order and contract requirements would be met, the Warden or ACI representatives shall request the approved template from the Chief Procurement Officer or designee, input the unique program details and send to the Chief Procurement Officer or designee for review.
- 8.3 Approved contracts shall be signed by the Chief Procurement Officer or designee, contractor, and any third party to the agreement (private prison Warden).

- 8.4 Contracts shall not be authorized if, after scrutiny of the contract proposal, discussions with the contractor, and inspections of the work areas, the Warden or Workforce Development Administrator determines that the contractor is unable to comply with the contract.
- 8.5 Prior to entering into an IGA, MOU or a contract, the appropriate Assistant Director shall, when applicable, ensure that:
 - 8.5.1 A training program is available for contractors and contractor employees that shall include the following topics:
 - 8.5.1.1 Inmate supervision
 - 8.5.1.2 Staff/inmate relationships, to include Prison Rape Elimination Act (PREA) orientation/requirements
 - 8.5.1.3 Safety and liability issues
 - 8.5.1.4 Emergency procedures
 - 8.5.1.5 Inmate games and manipulation tactics
 - 8.5.1.6 A.R.S. and Department Orders governing inmate **vocational trade** and contractor responsibility
 - 8.5.1.7 Any other topics that the Program Administrator may deem appropriate
 - 8.5.2 The parameters of service or work activities are discussed with prospective contractors.
 - 8.5.3 Work areas are inspected to determine if the areas are safe and consistent with Occupational Safety and Health Act standards and that work areas are secure and/or that proper security can be provided for a work crew.
 - 8.5.4 All equipment, machinery or tools that would be used to accomplish work activities are inspected in order to ensure that all items are in good repair and in proper working order.
 - 8.5.5 The prospective contractor has a training program for the operation of any special or potentially hazardous equipment or machinery.
 - 8.5.6 All materials to be used in proposed work activities are inspected, any hazardous material, (i.e., reactive explosives or radioactive) is identified, and that the prospective contractor has a training program to instruct users as to the proper and safe handling of such material.
 - 8.5.7 Special protective clothing or equipment that may be necessary for safe completion of work activities is identified.
 - 8.5.8 The prospective contractor has field supervisors who are capable and properly trained to provide necessary technical supervision to offender workers during work activities. The Warden or ACI supervisor and the Private/Public Sector Contractors shall provide technical and operational supervision of inmate workers.

IMPLEMENTATION

Within 60 calendar days of the effective date of this Department Order, Prison Operations, in coordination with the ADCRR TIN Administrator, shall identify all inmates that do not have a valid SSN or TIN and move them into a Probationary Trainee position at the pay rate of no more than .20 cents per hour.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

ATTACHMENTS

Attachment A – WIPP Pay Scale

Attachment B – ACI Pay Scale

Attachment C – Outside Work Crew Ineligible Offenses

FORMS LIST

903-2, ACI-Rules and Conditions of Employment

903-7, On-Site Inmate Driver Checklist

903-8, Inmate Employment and Work Skills History

903-9, Screening Report for New Arrivals

903-12, Inmate Drivers Training Curriculum

AUTHORITY

A.R.S. §11-952, Intergovernmental Agreements and Contracts

A.R.S. §28-403, Interstate Agreements; Commercial Vehicle Registration

A.R.S. §28-1381, Driving or Actual Physical Control While Under the Influence

A.R.S. §31-233, Order for Removal; Purposes; Duration; Continuous Alcohol Monitoring Program; Failure to Return; Classification

A.R.S. §31-229, Functional Literacy Program; Evaluation; Certificate; Exemptions; Wages; Definition

A.R.S. §31-250, Definition of Work Crew

A.R.S. §31-251, Hard Labor Required of Prisoners; Labor Classification; Definition

A.R.S. §31-252, Use of Prisoners in Public Works; Cooperative Prisoner Labor System; Definitions

A.R.S. §31-253, Use of Prisoners in Prison Construction Definitions

A.R.S. §31-254, Compensation for Labor Performed

A.R.S. §31-255, Alcohol Abuse Treatment Fund

A.R.S. §32-321.7, Services Performed by and for Persons in the Custody of the State Department of Corrections

A.R.S. §41-1623, Powers and Duties of Director

A.R.S. §41-1624.01, Contracts; Services to State Agencies and Others; Lease of Real Property

A.A.C. R17-5-202, Motor Carrier Safety: Incorporation of Federal Regulations: Applicability

ATTACHMENT A

WIPP PAY SCALE

Table 1: Basic Pay Scale – WIPP

Work Skill Levels	Not Met F Lit	Phase I		Phase II		Phase III	
		Base Pay	Max	Base Bay	Max	Base Pay	Max
Unskilled	.10	.15	.25	.20	.30	.25	.40
Semi-skilled	.10	.15	.25	.25	.35	.30	.45
Skilled	.10	.15	.25	.30	.40	.35	.45

NOTE: Selected specialized assignments may be set at .50

Table 2: Incentive Pay Modifications to Basic Pay Scale – WIPP & ACI

Pay Modification Criteria	All Phases
* Completed HSE	+.05
** Refused or Removed from a program	Base pay only (per phase I)
Evaluation Ratings (work and/or program) – Exceeds (overall) for 6 consecutive months (and no Unsatisfactory rating in the past 12 months)	+.05*
Evaluation Ratings (work and/or program) – Unsatisfactory (one or more) during past 90 calendar days	Base pay calendar 90 days

* If inmate has not met functional literacy standard, inmate is ineligible for a pay modification increase.

** Does not apply for a refusal or removal that was from a program with a code beginning with D, X, or Z (e.g., XEDM).

ATTACHMENT B

ACI PAY SCALE

Table 3: Basic Pay Scale – ACI

Work Skill Levels	Phase I		Phase II		Phase III	
	Base Pay	Max	Base Pay	Max	Base Pay	Max
Unskilled	.23	.50	.36	.70	.49	.90
Semi-skilled	.26	.55	.39	.75	.52	.95
Skilled	.29	.60	.42	.80	.56	1.00

Table 4: Incentive Pay Modifications to Basic Pay Scale – WIPP & ACI

Pay Modification Criteria	All Phases
* Completed HSE	+ .05
** Refused or Removed from a program	Base pay only
Evaluation Ratings (work and/or program) – Exceeds (overall) for 6 consecutive months (and no Unsatisfactory rating in the past 12 months).	+ .05*
Evaluation Ratings (work and/or program) – Unsatisfactory (one or more) during past 90 calendar days	Base pay 90 calendar days

*** If inmate has not met functional literacy standard, inmate is ineligible for a pay modification increase.**

**** Does not apply for a refusal or removal that was from a program with a code beginning with D, X, or Z (e.g., XEDM)**

ATTACHMENT C

OUTSIDE WORK CREW INELIGIBLE OFFENSES

Ineligible Offenses

Offenses involving death or physical injury or the use of a deadly weapon or dangerous instruments:

- Negligent homicide *
- Manslaughter
- Second degree murder
- First degree murder
- Dangerous crimes against children
- Assault *
- Aggravated assault
- Dangerous or deadly assault by prisoner or juvenile
- Drive by shooting
- Discharging a firearm at a structure
- Misconduct involving weapons or dangerous instrument
- Kidnapping
- Armed robbery
- Unlawful discharge of firearms
- Child or vulnerable adult abuse; emotional abuse
- Accidents involving death or personal injuries; failure to stop
- Burglary in the First Degree
- Arson of a structure or property
- Arson of an occupied structure
- Arson of an occupied jail or prison facility
- Burning wild lands
- Reckless burning
- Domestic Violence *

* Non-discretionary. Inmates convicted of these crimes shall be screened on a case by case basis to determine if there was serious physical injury or a use of a weapon during the commission of the crime.